

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**AMANDA ARNOLD,  
Plaintiff,**

**Civil Action No.:  
17-10432-DJC**

**vs.**

**THE WOODS HOLE, MARTHA'S  
VINEYARD AND NANTUCKET  
STEAMSHIP AUTHORITY,  
Defendant.**

**DEFENDANT'S MOTION FOR JUDGMENT AS A MATTER OF LAW**

Now comes the Defendant, the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (the "Steamship Authority"), in the above-entitled action, by and through its counsel of record, Clinton & Muzyka, P.C., and hereby submits its Motion for Judgment as a Matter of Law.

The evidence in the light most favorable to the Plaintiff shows that the ladies' bathroom door on the M/V EAGLE may have closed too fast and perhaps with too much force, but this alone cannot establish liability. Plaintiff's case in chief fails on two fatal fronts: (1) the alleged dangerous condition on the M/V EAGLE (a slamming door and no handrails) was open and obvious, and (2) there is no evidence, via expert opinion or otherwise, that the slamming door and lack of handrails were the "but for" or proximate causation of Plaintiff's fingertip injury. Plaintiff has failed to show in any sense, indeed, that her injury would have been prevented had the door been working within the Americans with Disabilities Act and other unnamed standards for which her expert

witnesses advocate. Simply put, there is nothing that a shipowner can do to prevent passengers from being injured if they place their fingers between a closing door and the hinge side door frame. The expert testimony about the perceived failures of the door closer and hand rail system are nothing more than a red herring.

WHEREFORE, and for the reasons set forth in the accompanying Memorandum and as presented at oral argument, Plaintiff has failed to provide evidence essential to her claim and the Defendant respectfully moves that the Honorable Court enter Judgment as a Matter of Law directing verdict for the Defendant pursuant to Fed.R.Civ.P. 50(a).

Respectfully submitted,  
By its attorney,  
**CLINTON & MUZYKA, P.C.**

/s/ Thomas J. Muzyka  
**Thomas J. Muzyka**  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that the above document was filed in hand at trial at the close of Plaintiff's evidence with copies served in hand to Plaintiff's counsel on January 17, 2018.

Pursuant to Local Rule 5.2, I further certify that I will cause the above document to be filed through the ECF system and sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non- registered participants on January 17, 2019.

"/s/ Olaf Aprans"  
Olaf Aprans